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# STATE OF ARIZONA

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## DEPARTMENT OF INSURANCE

In the Matter of:	)	
ą.	) No. 09A- 122- INS	
MARLENE C. BAQUET and	)	
A B C INSURANCE AND FINANCIAL	)	
SERVICES, INC.	)	
	) CONSENT ORDER	?
Respondents.	)	
•	)	
	j	

The State of Arizona Department of Insurance ("Department") has received evidence that Marlene C. Baquet and A B C Insurance and Financial Services, Inc. ("Respondents") violated provisions of Title 20, Arizona Revised Statutes. Respondents wish to resolve this matter without the commencement of formal proceedings, and admit the following Findings of Fact are true and consent to entry of the following Conclusions of Law and Order.

### FINDINGS OF FACT

- 1. Marlene C. Baquet ("Baquet") is, and was at all material times, licensed as an Arizona resident accident/health, life, property and casualty insurance producer, Arizona license number 132086, which expires January 31, 2010.
- 2. A B C Insurance and Financial Services, Inc. ("ABC") is, and was at all material times, licensed as an Arizona resident accident/health, life, property and casualty insurance producer, Arizona license number 126338, which expires February 28, 2010. Baquet is the owner/operator of ABC.
- 3. Between September 29, 2009 and October 2, 2009, Respondents parked a van, owned by Baquet, at 1955 W. Grant Road in Tucson Arizona bearing a banner advertising "Anthony Figueroa's Allstate Rates up 17%. Save now with Baquet Insurance 520-620-0222."

4. Allstate's property and casualty rate filings with the Department contain no insurance rate increases for any Allstate company that are 17%.

#### **CONCLUSIONS OF LAW**

- 1. The Director has jurisdiction over this matter.
- 2. Respondents' conduct as described above constitutes violating any provision of A.R.S. Title 20, within the meaning of A.R.S.§20-295(A)(2).
- 3. Respondents' conduct as described above constitutes engaging in this state in any unfair method of competition or an unfair or deceptive act or practice in the business of insurance, within the meaning of A.R.S.§20-442.
- 4. Respondents' conduct as described above constitutes the use of advertising containing any assertion, representation or statement with respect to the business of insurance or with respect to any person in the conduct of his insurance business, which is untrue, deceptive or misleading, within the meaning of A.R.S.§20-444(A).
- 5. Grounds exist for the Director to order Respondents to cease and desist their violation and impose a civil penalty of not more than \$1,000 for each act or violation, within the meaning of A.R.S. § 20-456.
- 6. Grounds exist for the Director to suspend, revoke, or refuse to renew Respondents' insurance licenses, impose a civil penalty and/or order restitution pursuant to A.R.S. §§20-295(A),(B) and (F).

#### ORDER

#### IT IS HEREBY ORDERED THAT:

1. Respondents shall pay a civil penalty of \$750.00 to the Director payable upon the entry of this Order for deposit into the State General Fund.

2. Respondents shall cease and desist from using any advertising that is untrue, misleading or deceptive.

DATED AND EFFECTIVE THIS 20th day of October, 2009

CHRISTINA URIAS Director of Insurance

#### CONSENT TO ORDER

- Respondents have reviewed the foregoing Findings of Fact, Conclusions of Law and Order.
- Respondents admit the jurisdiction of the Director of Insurance, State of Arizona,
   and admit the foregoing Findings of Fact and consent to the entry of the foregoing
   Conclusions of Law and Order.
- 3. Respondents are aware of their right to notice and hearing at which they may be represented by counsel, present evidence and examine witnesses. Respondents irrevocably waive their right to such notice and hearing and to any court appeals relating to this Consent Order.
- 4. Respondents state that no promise of any kind or nature whatsoever, except as expressly contained in this Consent Order, was made to them to induce them to enter into this Consent Order and that they have entered into this Consent Order voluntarily.
- 5. Respondents acknowledge that the acceptance of this Consent Order by the Director settles this matter against them but does not preclude any other agency, officer, or subdivision of this state, including the Department, from instituting civil or criminal

1	proceedings as may be appropriate in the future not connected with this matter or any other		
2	previously resolved complaints.		
3	6. Respondents acknowledge that this Consent Order is an administrative action that		
4	the Department will report to the National Association of Insurance Commissioners (NAIC).		
5	Respondents further acknowledge that they must report this administrative action to any and		
6	all states in which they hold an insurance license and must disclose this administrative		
7	7 action on any license application.		
8	7. Marlene C. Baquet represents that she is owner/operator of A B C Insurance and		
9	Financial Services, Inc. and as such is authorized to enter into this Consent Order on i		
10	behalf.		
11	Allen Allen T		
12	Date Marlene C. Baquet, License No. 132086		
13	Marierie C. Baquet, Licerise No. 132000		
14	A B C Insurance and Financial Services, Inc., License No.		
15	10/14/09 All Suguet		
16	Date / Marlene C. Baquet, Owner/Operator		
17			
18	COPY of the foregoing mailed/delivered this 21st day of October, 2009, to:		
19	Marlene C. Baquet		
20	C Insurance and Financial Services, Inc. W. Grant Road		
21	Tucson, AZ 85745		
22	Mary Kosinski, Executive Assistant for Regulatory Affairs Catherine M. O'Neil, Consumer Legal Affairs Officer		
23	Mary Butterfield, Assistant Director, CAD Steven Fromholtz, Licensing Supervisor		

Arnold Sniegowski, Investigator Arizona Department of Insurance 2910 North 44<sup>th</sup> Street, Suite 210 Phoenix, AZ 85018

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